

APPENDIX II

Information Required to Be Provided in a Bankruptcy Petition, the Related Schedules, and the Statement of Financial Affairs

At the time of filing for bankruptcy, debtors are required to provide the following information on the bankruptcy petition, schedules, and statement of financial affairs:

BANKRUPTCY PETITION

- ▶ debtor name
- ▶ other names used by debtor in the last 6 years
- ▶ debtor address
- ▶ social security number / tax identification number
- ▶ name and address of law firm or attorney
- ▶ prior bankruptcies filed within the last 6 years
- ▶ type of debtor (e.g., individual, corporation, partnership, other)
- ▶ nature of the debt (e.g., consumer/non-business, business)
- ▶ chapter under which petition is filed
- ▶ estimates of number of creditors
- ▶ estimates of assets and liabilities

SCHEDULE A - REAL PROPERTY

- ▶ description and location of property
- ▶ nature of debtor's interest in property (e.g., sole owner)
- ▶ market value of debtor's interest
- ▶ if debtor is married, specify who owns the property (e.g., husband, wife, joint community)
- ▶ dollar amount of secured claim

SCHEDULE B - PERSONAL PROPERTY

- ▶ type of property
- ▶ description and location of property
- ▶ if the debtor is married, specify who owns the property (e.g., husband, wife, debtor 1, debtor 2, joint community)
- ▶ current market value of debtor's interest in the property without deducting any secured claim or exemption

The following types of property are applicable:

- cash on hand
- checking, savings, or other financial accounts; certificates of deposit or shares in banks, savings, thrift, building and loan, and homestead associations; or credit unions, brokerage houses, or cooperatives (includes account numbers)

- security deposits with public utilities, telephone companies, landlords, and others
- household goods and furnishings, including audio, video and computer equipment
- books; pictures and other art objects; antiques; stamp, coin, record, tape, compact disc, and other collections and collectibles
- wearing apparel
- furs and jewelry
- firearms and sports, photographic, and other hobby equipment
- interests in insurance policies
- annuities
- interests in IRA, ERISA, Keough, or other pension or profit sharing plans
- stocks and interests in incorporated or unincorporated businesses
- interests in partnerships or joint ventures
- government and corporate bonds and other negotiable or non-negotiable instruments
- accounts receivable
- alimony, maintenance, support, property settlements, to which the debtor is or may be entitled
- other liquidated debts owing debtor
- equipment and future interests, life estates, and rights of power exercisable for the benefit of the debtor other than those listed in Schedule A - Real Property
- contingent and non-contingent interests in estate of a decedent, death benefit plan, life insurance policy, or trust
- other contingent and unliquidated claims, including tax refunds, counter claims of the debtor, and rights to set off claims
- patents, copyrights, and other intellectual property
- licenses, franchises, and other general intangibles
- automobiles, trucks, or other vehicles, and accessories
- boats, motors, and accessories
- aircraft and accessories
- office equipment, furnishings, and supplies
- machinery, fixtures, equipment, and supplies used in business
- inventory
- animals
- crops - growing or harvested
- farming equipment and supplies
- other personal property not already listed

SCHEDULE C - PROPERTY CLAIMED EXEMPT (debtor elects the exemptions entitled under 11 U.S.C. § 522(b)(2))

- ▶ description of the property
- ▶ specify law providing each exemption (e.g., applicable non-bankruptcy federal laws, and state or local laws)
- ▶ value of claimed exemption
- ▶ current market value of property without deducting exemptions

SCHEDULE D - CREDITORS HOLDING SECURED CLAIMS

- ▶ creditor name and address
- ▶ specify if co-debtor may be jointly liable on claim
- ▶ if joint petition is filed, specify who own the property (e.g., husband, wife, debtor 1, debtor 2, joint community)
- ▶ date claim was incurred, nature of lien, description and market value of property subject to lien
- ▶ specify if claim is contingent, unliquidated, or disputed
- ▶ amount of claim without deducting value of collateral
- ▶ unsecured portion, if any

SCHEDULE E - CREDITORS HOLDING UNSECURED PRIORITY CLAIMS

- ▶ specify if the debtor has no creditors holding unsecured priority claims to report
- ▶ if there are priority claims to report, specify the type(s) of claim, as follows:
 - extensions of credit in an involuntary case as allowed under 11 U.S.C. §507(a)(2) and 11 U.S.C. § 502(f)
 - wages, salaries and commissions (including vacation, severance, sick leave pay and commissions owing to employees) as allowed under 11 U.S.C. §507(a)(3)
 - contributions to employee benefit plans as allowed under 11 U.S.C. § 507(a)(4)
 - certain farmers and fisherman as allowed under 11 U.S.C. § 507(a)(5)
 - deposits by individuals as allowed under 11 U.S.C. § 507(a)(6)
 - debts to a spouse, former spouse, or child of the debtor for alimony, maintenance, or support as allowed under 11 U.S.C. § 507(a)(7)
 - taxes and certain other debts owed to governmental units as allowed under 11 U.S.C. § 507(a)(8)
 - commitments by a debtor to a federal depository institutions regulatory agency (or predecessor to such agency) to maintain the capital of an insured depository institution as allowed under 11 U.S.C. § 507(a)(9)

SCHEDULE F - CREDITORS HOLDING UNSECURED NONPRIORITY CLAIMS

- ▶ creditor name and address
- ▶ specify if co-debtor may be jointly liable on claim
- ▶ if joint petition is filed, specify who owns the property (e.g., husband, wife, debtor 1, debtor 2, joint community)
- ▶ date claim was incurred; and consideration for the claim (e.g., loan, credit card purchase)
- ▶ specify if claim is contingent, unliquidated, or disputed
- ▶ amount of the claim

SCHEDULE G - EXECUTORY CONTRACTS & EXPIRED LEASES

- ▶ name and address of other parties to instrument
- ▶ notes of contract or lease and the debtor's interest

SCHEDULE H - CO-DEBTORS

- ▶ name and address of co-debtor(s)
- ▶ name and address of creditor(s)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)

- ▶ debtor's marital status
- ▶ name, age and relationship of dependents of the debtor and spouse
- ▶ amount of monthly support to each dependent
- ▶ employment information of debtor and spouse (even if spouse is non-filing), including occupation, name and address of employer, and how long employed
- ▶ monthly income information for debtor and spouse (information regarding the spouse must be provided if they are joint debtors in a chapter 7, and by a married debtor in chapter 12 or 13 whether or not a joint petition is filed), including
 - current gross wages, salary and commissions
 - estimated overtime
 - payroll deductions, including payroll taxes, social security, insurance, and professional dues
 - other income such as interest and dividends, alimony or support payments, and pension or retirement income
 - total monthly income

SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)

Provide the average monthly expenditures of debtor and the debtor's family, including:

- ▶ monthly rent or home mortgage payments
- ▶ utilities
- ▶ home maintenance
- ▶ food and home supplies
- ▶ clothing
- ▶ laundry and dry cleaning
- ▶ medical and dental
- ▶ transportation (not including car payment)
- ▶ recreation, clubs, and entertainment
- ▶ charitable contributions
- ▶ insurance that is not deducted from wages or included in home mortgage payments (e.g., homeowner's, life, auto)
- ▶ taxes that are not deducted from wages or included elsewhere in Schedule J
- ▶ installment payments (e.g., auto payments, past due income taxes)
- ▶ alimony, maintenance or support payments to others
- ▶ other support payments (e.g., support of additional dependents not living at the debtor's home)
- ▶ regular expenses from the operation of business, profession or farm
- ▶ other expenses (e.g., daycare, union or association dues)
- ▶ total monthly expenses
- ▶ for chapter 12 and 13 cases, debtor must also provide projected monthly income, monthly expenses, and total plan payments per month

SUMMARY OF SCHEDULES

- ▶ debtor(s) name
- ▶ chapter filed
- ▶ case number
- ▶ provide the name of each Schedule and whether the Schedule is attached to the petition
- ▶ total assets, liabilities, and other amounts for each schedule
- ▶ total assets and liabilities of the debtor(s)

CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION

- ▶ debtor's assertion of filing a schedule of assets and liabilities which includes consumer debts secured by property of the estate
- ▶ debtor's intention with respect to the property of the estate which secures the consumer debts, including
 - description of property to be surrendered and creditor's name
 - description of property to be retained and creditor's name
 - description of property to be retained (claimed exempt) and to be redeemed pursuant to 11 U.S.C. § 722
 - description of property to be retained (claimed exempt) and lien to be avoided pursuant to 11 U.S.C. § 522(f)
 - description of property to be retained and debt to be reaffirmed

STATEMENT OF FINANCIAL AFFAIRS

- ▶ gross income of debtor and spouse from employment or operation of business for the year-to-date of the filing and the two preceding years. Specify source(s) of the income.
- ▶ gross income of debtor and spouse other than from employment or operation of business for the year-to-date of the filing and the two preceding years. Specify source(s) of the income
- ▶ for (a) all payments on loans, installments, purchases of goods or services, and other debts, aggregating more than \$600 to any creditor, made within 90 days immediately preceding the filing of the bankruptcy case; and (b) all payments made within one year immediately preceding the filing of the bankruptcy case to or for the benefit of creditors who are or were relatives or relatives; provide the following information:
 - name and address of creditor
 - amount paid
 - payment dates
 - amount owing to the creditor
- ▶ list all suits and administrative proceedings to which the debtor is or was a party within one year immediately preceding the filing of the bankruptcy case
- ▶ describe all property that has been attached, garnished or seized under any legal or equitable process within one year immediately preceding the filing of the bankruptcy case
- ▶ list all property that has been repossessed by a creditor, sold at a foreclosure sale, transferred through a deed in lieu of foreclosure or returned to the seller, within one year immediately preceding the filing of the bankruptcy case
- ▶ describe any assignment of property for the benefit of creditors made within 120 days immediately preceding the filing of the bankruptcy case
- ▶ list all property which has been in the hands of a custodian, receiver, or court-appointed

- official within one year immediately preceding the filing of the bankruptcy case
- ▶ list all gifts or charitable contributions made within one year immediately preceding the filing of the bankruptcy case, except ordinary and usual gifts to family members aggregating less than \$200 in value per individual family member and charitable contributions aggregating less than \$100 per recipient
 - ▶ list all losses from fire, theft, other casualty or gambling within one year immediately preceding the filing of the bankruptcy case or since the commencement of the case
 - ▶ list all payments made or property transferred by or on behalf of the debtor to any persons, including attorneys, for consultation concerning debt consolidation, relief under bankruptcy law or preparation of the petition within one year immediately preceding the filing of the bankruptcy case
 - ▶ list all other property, other than property transfers in the ordinary course of the business or financial affairs of the debtor, transferred either absolutely or as a security within one year immediately preceding the filing of the bankruptcy case
 - ▶ list all financial accounts and instruments held in the name of the debtor or for the benefit of the debtor which were closed, sold, or otherwise transferred within one year immediately preceding the filing of the bankruptcy case. Includes checking, savings, or other financial accounts, certificates of deposits, shares held in banks, credit unions, pension funds, cooperatives, associations, brokerage houses and other financial institutions. Information to be provided includes:
 - name and address of institution
 - account type
 - account number
 - amount of final balance
 - date of sale or closing
 - ▶ list all safe deposit or other box or depository in which the debtor has securities, cash, or other valuables within one year immediately preceding the filing of the bankruptcy case (include names and addresses of signatories and contents in the depository)
 - ▶ list all set-offs made by the creditor, including a bank, against a debt or deposit of the debtor within 90 days preceding the filing of the bankruptcy case
 - ▶ list all property owned by another person that the debtor holds or controls
 - ▶ any prior address of the debtor within two years immediately preceding the filing of the bankruptcy case
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- ▶ if the debtor is an individual, list the names and addresses of all businesses in which the debtor was an officer, director, partner or managing executive of a corporation, partnership, sole proprietorship, or was self-employed professional within two years immediately preceding the filing of the bankruptcy case
 - ▶ if the debtor is a partnership or a corporation, list the names and addresses of all businesses in which the debtor was a partner or owned 5% or more of the voting securities, within two years immediately preceding the filing of the bankruptcy case
 - ▶ list all bookkeepers and accountants who within 6 years immediately preceding the filing of the bankruptcy case kept or supervised keeping of books of account and records of the debtor
 - ▶ list all firms or individuals who within the two years immediately preceding the filing of the bankruptcy case have audited the books of account and records, or prepared a

financial statement of the debtor

- ▶ list all firms or individuals who at the time of the filing of the bankruptcy case were in possession of the books of account and records of the debtor
- ▶ list all financial institutions, creditors and other parties, including mercantile and trade agencies, to whom a financial statement was issued within two years immediately preceding the filing of the bankruptcy case by the debtor
- ▶ list the dates of the last two inventories taken of property, the name of the person who supervised the taking of the inventory, and the dollar amount and basis of each inventory
- ▶ list the name and address of the person having possession of the records of the last two inventories
- ▶ if the debtor is a partnership, list the nature and percentage of partnership interest of each member of the partnership
- ▶ if the debtor is a corporation, list all officers, or directors whose relationship with the corporation terminated within one year immediately preceding the filing of the bankruptcy case
- ▶ if the debtor is a partnership or corporation, list all withdrawals or distributions credited or given to an insider, including compensation in any form, bonuses, loans, stock redemptions, options exercised and any other perquisite during one year immediately preceding the filing of the bankruptcy case